UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,653	10/18/2004	James Roe-Smith	2869-1-001	6430

7590   05/30/2007

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ART UNIT	PAPER NUMBER
2109	

MAIL DATE	DELIVERY MODE
05/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/511,653	ROE-SMITH ET AL.
	Examiner	Art Unit	
	Guang Li	2109	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **3** MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _05/04/2005_.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-18_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-18_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _10/18/2004_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _12/12/2005_.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2.   Claim(s) 3,7 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitations "a predetermined count", "predetermined bundle of data", "predetermined period of time" and "predetermined amount of data" are vague and indefinite because it is unclear what is the metes and bounds of the term "predetermined", to ascertain a predetermined count, a predetermined bundle of data, and a predetermined time period.

3.   Regarding claim 18, the phrase "one or more command " renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d). It is unclear what is one or more commands for setup, shutdown, error, Ishealthy, Ping, commandXML and ReturnCommandXML.

4.   Claim 3 recites the limitation "other objects" in claim 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6.   Claim(s) 1-11 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated

by Arrouye et al (US 6,256,635).

7.   Regarding claim 1, Arrouye teaches a data collection system (a centralized

database consisting of collected data see col.3 lines 48-53) for the creation of two or

more objects (type of objects stores in the database see col.3 lines 61-64) in a

computer system (scripting server see col.3 lines 59-68; Fig .1 item 100) at a location

having a processor (processor see Fig.1 item 113) and memory (main memory see

Fig.1 item 115), the system collects data (collected data relating to available

configuration settings see col.3 lines 48-50) from the computer or another computer

(computer see Fig.1 Item 100) at the location and transmits data (requested code for

an application program see col.6 lines 5-9) to a computer at a remote location (remote

server see Fig.1 item 126), the system having

a central core system (centralized database see col.8 lines 6-22) comprising a

central core system object (type of objects that includes both variables and method for

the class see col.7 lines 1-5) and a form object (script object see col.4 lines 6-12) and a

configuration file (configuration file see col.1 lines 66-68), wherein said form object

creates the central core system object (create a script for use of dictionary containing

available commands and objects that may be modified see col.4 lines 6-8) in said

computer memory and which reads-said configuration file (configuration may be for any

type of system setting or for network configurations and protocols see col.3 lines 43-44)

to execute and delegate commands (executes the scripts on a copy of the scripting

server see col.4 lines 6-12) within the configuration file including the creation of data

control objects (script create the data object that consists of data and one or more

operations or procedures that can be performed on that data see col.6 lines 41-49) ,

8.   one or more data control objects created (consolidated database see col.8 lines

23-34) by said central core system, wherein all said objects have a common data

interface (COMM INT see Fig.1 item 120) for the exchange of commands(user

application transmits a command to the scripting interface see col.14 lines 3-8) and data

between objects (object instance see col7. lines 8-21) and a predetermined functional

element (collection of the incompatible file formats for the individual configurations see

col.7 lines 61-63) that has access (scripting server to access the database, the

database maybe be accessed and modified directly by any user see col.14 lines 39-41)

to a configuration file and one or more functional libraries (Configuration library see

Fig.4A item 404A; col.14 lines 65-67 and col.15 lines 1-18), wherein a said data control

object created includes a transmit object (scripting code for exchange data see col.11

lines 9-19) for exchanging data with said computer at said remote location (Scripting

server see col.11 lines 21-25, Fig.4A item 400A). Regarding claim 2, Arrouye teaches a

data collection system according to claim 1 wherein said data collection system creates

an installer object (Semantic scripting see col.2 line 65-67) for receiving encoded files

(encapsulation that provided by objects in an object-oriented programming environment

maybe extended to the notion of control panels and representations of the control panel

configurations in a database see col.7 lines 32-40) from said computer at said remote

location and decoding the file and installing (system configuration that user only need

one control panel to adjust all networking capabilities see col.10 lines 54-60) the

decoded file (interprets commands see Fig.3 item 304) in a function library

(configuration library see Fig.4B item 404B) for use by one or more objects in said data

collection system.

9.   Regarding claim 3, Arrouye teaches a data collection system according to claim

1 wherein said data collection system creates a timer object (Event scripting see col.2

lines 60-65) for storing commands to be executed (Scripting plug-in receives the

commands and executes the appropriate actions to modify the configuration as directed

see col.4 lines 3-5) by other objects a predetermined count (Date stamp see Fig.7) from

a reference count.

10.   Regarding claim 4, Arrouye teaches a data collection system according to claim

2 wherein said data collection system creates new objects or updates objects (most

recent and updated version of database see col.8 line 52-56) using data supplied by

said computer at a remote location.

11.   Regarding claim 5, Arrouye teaches a data collection system according to claim

3 wherein said timer object transmits (transmit a requested code for an application

program through internet, ISP, local network and communication interface see col.6

lines 2-10) to said computer at said remote location a signal indicating (forwards

commands to scripting plug-in see col.14 lines 13-19) that said data collection system is able to transmit data to it.

12.   Regarding claim 6, Arrouye teaches a data collection system according to claim 4 wherein said data collection system creates a store object that temporarily stores data (stored the data in the temporary location see col.9 lines 15-19) in a database and manages (duplicated of temporary file is created and labeled as "committed" see col.9 line 19) said stored data before it is transmitted (modify database see col.8 lines 28-61) to said computer at a remote location.

13.   Regarding claim 7, Arrouye teaches a data collection system according to claim 6 wherein said store object bundles data (encapsulation that provided by objects in an object-oriented programming environment maybe extended to the notion of control panels and representations of the control panel configurations in a database see col.7 lines 32-40) in said data base or provides a predetermined bundle of data to another object or provides a list of bundles or deletes old data (original information is replaced with the modified permanent information see col.9 lines 24-26) including bundles of data (object is consists of data and one or more operations or procedures that can be performed on that data see col.6 lines 42-45).

14.   Regarding claim 8, Arrouye teaches a data collection system according to claim 1 wherein said transmit object transmits (requested code for an application program see col.6 lines 5-9) bundles of data or lists of data (object is consists of data and one or more operations or procedures that can be performed on that data see col.6 lines 42-45) to said computer at a remote location.

15.   Regarding claim 9, Arrouye teaches a data collection system according to claim

4 wherein said data collection system creates a connector object (object that consists of

data and one or more operations or procedures that can be performed on that data see

col.6 lines 45-49) for collecting data from said computer or another computer at said

location of the data collection system.

16.   Regarding claim 10, Arrouye teaches a data collection system according to claim

8 wherein said data collected relates to alarms (notifies the operating system software

of any system settings that have changed see col.14 lines 18-20) related to said

computer or another computer at said location of the data collection system.

17.   Regarding claim 11, Arrouye teaches a data collection system according to claim

1, wherein said transmit, store and connector objects operate (objects operate by a

software application whereby the program's functionality is implement ed using objects

see col.7 lines 34-36) whenever a predetermined period of time has elapsed or a

predetermined amount of data has been collected or when requested by said computer

(remote commands and remote scripting see col.9 lines 55-66) at a remote location.

18.   Regarding claim 17, Arrouye teaches a data collection system according to claim

1 wherein communication between objects is synchronous (multiple user access the

database at anytime see col.8 lines 56-60) or asynchronous (one configuration to be

activated at a time see col.8 lines 26-30).

Claim Rejections - 35 USC § 103

19.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

20.   Claim(s) 12-16 and 18 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Arrouye (US 6,256,635) in view of Bowman-Amuah (US 6,629,382).

21.   Regarding claims 12, Arrouye teaches a data collection system in a computer

system at a location having processor and memory, the system collects data from the

computer or another computer at the location and transmits data to a computer at a

remote location, the system having a centralized database or configuration library

consisting of collected data relating to available configuration setting, one or more data

control object created by said central core system, wherein al said objects have a

common data interface for the exchange of commands and data between objects and

predetermined functional element that has access to a configuration file and one or

more functional libraries. Arrouye does not explicitly disclose data exchanged between

said computers using HTTP.

Bowman-Amuah teaches web server communicated using a protocol called

"Hypertext Transfer Protocol" (HTTP). However, a browser opens a connection to a

server and initiates a request for a document using the HTTP protocol (col.2 lines 1-10).

Bowman-Amuah further provides the advantage of delivering service via a globally

addressable interface that plurality of interfaces are provided with access allowed to a

plurality of different set of services from each of interfaces (see abstract).

It would have been obvious to one of ordinary skill in the art, having the

teachings of Arrouye and Bowman-Amuah before them at the time the invention was

made to modify the data collection system of Arrouye to include Hypertext transfer

protocol for exchanged data between computers as taught by Bowman-Amuah.

One of ordinary skill in the art would have been motivated to make this

modification in order to provide additional way to exchange data between the computers

in view of Bowman-Amuah.

22.   Regarding claim 13, Arrouye together with Bowman-Amuah taught the system

according to claim 12, as described above. Bowman-Amuah further teaches data is

exchanged between said computers using MSMQ (Microsoft Message Queue server

(MSMQ) formerly known as Falcon see col.70 lines 53-54).

23.   Regarding claim 14, Arrouye together with Bowman-Amuah taught the system

according to claim 12, as described above. Bowman-Amuah further teaches data is

exchanged between said computers using FTP (FTP also provides a mechanism to

obtain file name, directory name, attributes and file size information beside upload and

download files across the network see col. 67 lines 41-48).

24.   Regarding claim 15, Arrouye together with Bowman-Amuah taught the system

according to claim 12, as described above. Bowman-Amuah further teaches data is

exchanged between said computers using SMTP (simple mail transfer protocol

transferring email among the server see col.72 lines 36-38).

25.   Regarding claim 16, Arrouye together with Bowman-Amuah taught the system

according to claim 12, as described above. Bowman-Amuah further teaches XML

commands to identifying data elements and resembles a HTML document and Com+

uses the well-known method release Ref(), whereas some implementations of CORBA

use release() (see col.296 lines 1-5).

26.   Regarding claim 18, Arrouye together with Bowman-Amuah taught the system

according to claim 12, as described above. Bowman-Amuah further teaches common

data interface for exchanging of commands and data between objects includes one or

more commands for setup, shutdown (shutdown = releasing resources and shutdown

gracefully), error (log error), is healthy (diagnostic if any log errors), ping, commandXML

and ReturnCommandXML on the server (command codes see col. 264 lines 5-24).

Conclusion

27.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Guang Li whose telephone number is (571) 270-1897.

The examiner can normally be reached on Monday-Friday 8:30AM-5:00PM(EST).

28.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jeff Pwu can be reached on (571) 272-6798. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

29.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Guang Li
May 15, 2007

JEFFREY PWU
SUPERVISORY PATENT EXAMINER